



U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street (ENF-2-2), San Francisco, CA 94105

## NOTICE OF INSPECTION

The Environmental Protection Agency is responsible for ensuring compliance with the Resource Conservation and Recovery Act (RCRA) Public Law 94-580, as amended, Subtitle I Underground Storage Tanks (UST).

Deficiencies observed: ☐ Yes ☒ No FC Issued ☐ (UST-09-\_\_\_\_\_)

Pursuant to federal regulations of 40 CFR Part 280, during an inspection on 3 / 18 / 14, the following areas of concern were observed at your facility. The EPA wishes to work cooperatively with you as the owner and/or operator of this facility to resolve any deficiencies and requests that documentation demonstrating compliance be submitted by the date indicated below for each deficiency.

Deficiency 1: §280.	Correct By: _____ <input type="checkbox"/> see back <input type="checkbox"/> see comment	Deficiency 4: §280.	Correct By: _____ <input type="checkbox"/> see back <input type="checkbox"/> see comment
Deficiency 2: §280.	Correct By: _____ <input type="checkbox"/> see back <input type="checkbox"/> see comment	Deficiency 5: §280.	Correct By: _____ <input type="checkbox"/> see back <input type="checkbox"/> see comment
Deficiency 3: §280.	Correct By: _____ <input type="checkbox"/> see back <input type="checkbox"/> see comment	Deficiency 6: §280.	Correct By: _____ <input type="checkbox"/> see back <input type="checkbox"/> see comment

Comments:

- Facility is in temporary closure. Since the Tribe has expressed interest in permanent closure, Provide closure Schedule including bids by 4/18/14

Continue to monitor fuel level of tanks by either sticking tank or resetting Vender rod TLS-350

Contact Bobby Ojha  
(415) 972-3374  
ojha.bobby@epa.gov

The facts established by this inspection will be reviewed by personnel in the EPA Region 9 Office. A final determination of your facility's compliance with the EPA regulations will be made as a result of this review. The review may reveal additional deficiencies.

Facility ID and Name: FOR APACHE TIMBER CO. WMAP-014	Date: 03/18/14	Time In/Out: 9:30 am / 10:30 am	Inspector: Bobby Ojha
Address: D.O. Box 1090 White River, AZ 85941		Facility Representative: PAUL D. KUEHL	

Receipt of this Notice of Inspection is acknowledged.

(signature of facility representative) Paul D. Kuehl 3/18/14	(signature of lead inspector) [Signature]	EPA R9	415 972-3374
	(signature of assisting representative) [Signature]	Agency WMATEPO	Phone # 9283384325





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**INSTRUCTIONS:** Submit documentation to U.S. EPA and the implementing agency that demonstrates that all the corrections required for each deficiency have been met. These requirements are noted below and on the front of this form. The deadline for completion is noted on the front of this form. If there is a conflict between any hand-written comments on this form and printed requirements below, follow the written comments.

Federal Citation	Requirement	Federal Citation	Requirement
§280.20(a)(2)(ii): Installation of an improperly designed cathodic protection system for a metal tank.	The tank must meet corrosion protection standards.	§280.41(b)(1)(ii): Failure to conduct annual line tightness test or perform monthly monitoring on pressurized piping.	The annual line tightness test must be performed and a monthly or annual monitoring method must be implemented.
§280.20(b)(2): Failure to provide any cathodic protection for metal piping.	The piping must meet corrosion protection standards.	§280.43(d): Failure to provide equipment for ATG that tests for loss of product and conducts proper inventory control in accordance with 280.43(a).	Annual maintenance must be performed on the ATG.
§280.20(b)(2)(ii): Installation of improperly designed cathodic protection for metal piping.	The piping must meet corrosion protection standards.	§280.43(d)(1): Failure to provide adequate ATG that can detect a 0.2 gallon per hour leak from any portion of the tank. (not in USTRAC)	The ATG system must be able to detect a 0.2 gallon per hour leak from any portion of the tank.
§280.20(c)(1)(i): Installation of inadequate spill prevention equipment in a new tank.	The tank must meet spill prevention standards.	§280.44(a): Failure to have annual test of line leak detector for underground piping.	The annual test must be performed for each line leak detector.
§280.20(c)(1)(ii): Installation of inadequate overfill prevention equipment in a new tank.	The tank must meet overfill prevention standards.	§280.45: Failure to maintain every record of release detection monitoring.	Submit release detection records to U.S. EPA and implementing agency each month for the next three months.
§280.21(b)(1)(ii): Failure to meet Interior lining Inspection requirements for tank upgrade.	The interior lining of the tank must be inspected.	§280.45(a): Failure to document all release detection performance claims for 5 years after installation.	Submit all release detection performance claims to U.S. EPA and implementing agency.
§280.21(d): Failure to provide spill OR overfill prevention system for an existing tank.	See comments on front page.	§280.45(c): Failure to document every calibration, maintenance, and repair of release detection.	Annual maintenance of release detection monitoring must be performed.
§280.22(a): Failure to notify state or local agency within 30 days of bringing an UST system into use.	Submit UST Notification Form to U.S.EPA and implementing agency.	§280.70(a): Failure to continue operation and maintenance of cathodic protection system in a temporarily closed tank system.	The corrosion protection system must be maintained and operational.
§280.22(b): Failure to notify agency of existing tank	Submit UST Notification Form to U.S.EPA and implementing agency.	§280.70(a): Failure to continue operation and maintenance of release detection in a temporarily closed tank system.	Release detection must be maintained and operational.
§280.31(c): Failure to inspect impressed current systems every 60 days.	Submit the next two 60 day inspections of impressed current system.	§280.70(b): Failure to comply with temporary closure requirements for a tank system for 3 or more months.	See comments on front page.
§280.31(d): Failure to maintain every record of cathodic protection inspections.	See comments on front page.	§280.70(c): Failure to permanently close or upgrade a temporarily closed tank system after 12 months.	See comments on front page.
§280.33(d): Failure to ensure that repaired tank systems are tightness tested within 30 days of completion of repair.	The tank system must be tightness tested.	§280.71(a): Failure to notify implementing agency of a closure or change-in-service.	Submit UST Notification Form to U.S.EPA and implementing agency.
§280.34(b)(4): Failure to provide information showing that ATG was in test mode and within certification limits once per month.	Submit release detection records to U.S. EPA and implementing agency each month for the next three months.	§280.71(b): Failure to remove closed tank from the ground or fill tank with an inert solid for tank closure.	The tank must be properly closed.
§280.40(a): Failure to provide adequate release detection method	See comments on front page.	§280.93(a): Failure to comply with financial responsibility requirements by the required phase-in time.	The facility must meet Financial Responsibility Requirements.
§280.41(a): Failure to monitor tanks at least every 30 days, if appropriate.	See comments on front page.	§280.93(f): Failure to review and adjust financial assurance after acquiring new or additional USTs.	The facility must ensure new or additional USTs meet FR Requirements.
§280.41(b)(1)(i): Failure to equip pressurized piping with automatic line leak detector.	An automatic line leak detector must be installed for each line.		



# US EPA Region 9 - UST Inspection Checklist

Date: 3/18/14

## I. Owner Name

Tribe: WHITE MOUNTAIN APACHE TRIBE

Address:

City: WHITERIVER State: AZ Zip Code: 85941

Contact Person: Phone #: 928-338-5000

Email:

## II. Facility Name

Address: FORT APACHE TIMBER CO

City: Whiteriver State: AZ Zip Code: 85941

Operator: Paul D. Kuehl Phone #:

Email: Safety.Coordinator@wmapi.com

Facility ID#: WMAP014 Lat.: Long.:

## III. TANK INFORMATION

### TANK #

Is tank Active (A), Temporarily Closed (TC), Permanently Closed (PC), Out of Use (OU)

What Month and Year was Tank Installed ☒ Estimated ☐ Known

Specify Type and Material of Construction of Tank(s)

What is the Capacity in Tank (in gallons)

D - Diesel, S - Super Premium, R - Regular Unleaded, MG - Mid-grade, W - Waste Oil

## Release Detection

## IV. TANKS

Only 1 of the 7 methods must be checked to be in compliance

Do all active tanks have a monthly release detection method? (Select applicable method below)

Failure to provide release detection method for tank: 280.40(a) = \$420.

☐ YES

☐ NO

☐ Automatic Tank Gauging (ATG)

Complete Section XIII

☐ Statistical Inventory Reconciliation (SIR)

Complete Section XIV

☐ Groundwater Monitoring (GM)

Complete GM Checklist

☐ Vapor Monitoring (VM)

Complete VM Checklist

☐ Double Walled Tank with Interstitial Monitoring (IM)

Complete IM Section

☐ Inventory Control (IC) and Tank Tightness Testing every 5 years for new/upgraded tanks, otherwise annual. (Valid only 10 years after CP installation)

Complete IC Checklist

☐ Manual Tank Gauging (MTG) (2,000 gallons or less)

Complete MTG Checklist

Comments:

## V. PRESSURIZED PIPING

Must have an Automatic Line Leak Detector and either Monthly or Annual method

Specify Construction Material of Piping:

FRP single wall

Is pressurized piping equipped with an Automatic Line Leak Detector (LLD)?

☒ YES

☐ NO

Failure to equip pressurized piping with automatic line leak detector: 280.41 (b)(1)(i) = \$420

☐ Mechanical

☐ Electronic

Is an annual test of operation of the ELLD or MLLD available during the inspection?

☐ YES

☐ NO

Failure to document calibration, maintenance, and repair of release detection: 280.45(c) = \$70

Which Leak Detection Method is utilized for the Pressurized Piping System:

☐ Monthly

☐ Annually

### MONTHLY:

#### Check Appropriate Monthly Method

- ☐ Secondary Containment w/ Monthly Monitoring (monthly liquid sump sensor print out, or visual log.)
- ☐ Ground Water Monitoring (GM)
- ☐ Vapor Monitoring (VM)
- ☐ Automatic Shut Off Device (liquid sensor able to shut down dispensing)
- ☐ Statistical Inventory Reconciliation (SIR)
- ☐ Electronic Line Leak Detector put in monthly 'test mode' at 0.2 gph

Failure to perform monthly monitoring on pressurized piping: 280.41(b)(1)(ii) = \$420

### ANNUALLY:

#### Check Appropriate Monthly Method

- ☐ Annual Line Tightness Testing (LTT) conducted by certified contractor
- ☐ Electronic Line Leak Detector put in annual 'test mode' of 0.1 gph

Failure to have annual LTT or perform monthly monitoring on pressurized piping: 280.41(b)(1)(ii) = \$420

Comments:

860 3/18/14

## VI. SUCTION PIPING

Only 1 of the 3 methods needs to be checked to be in compliance

Specify Construction Material of Piping:

*2 bu 3/10/14*

Conduct LLT every 3 years - Failure to conduct LLT on suction piping: 280.41(b)(2) = \$420

☐ YES

☐ NO

OR, Documented as intrinsically safe (i.e. having only one check valve directly under pump, slope of pipe to drain back to tanks, operates at less than atmospheric pressure)?

☐ YES

☐ NO

OR, Approved Monthly Method (cont. alarm system, automatic shut off device, automatic flow restrictor, SIR)

☐ YES

☐ NO

Failure to use monthly monitoring on suction piping: 280.41(b)(2) = \$420

Comments:

## VII. RECORD KEEPING

Has a notification form (and certification) been submitted for new tanks within 30 days?

Failure to notify implementing agency within 30 days of bringing UST system into use: 280.22(a) = \$420

☐ YES

☐ NO

Have all USTs been included in the notification form?

Failure to notify agency of existing tank: 280.22(b) = \$420

☐ YES

☐ NO

Are monthly release detection (RD) records for tanks maintained? (12 months of records)

Failure to maintain records of release detection monitoring: 280.45 = \$210

☐ YES

☐ NO

Are functionality tests for RD maintained for at least 1 year? (LTT, ATG certification, Probe certification)

Failure to maintain results of monitoring and testing of functionality for release detection for 1 year: 280.45(b) = \$70

☐ YES

☐ NO

Are RD performance claims (e.g., 3rd party certifications) maintained for up to 5 years?

Failure to document all release detection performance claims for 5 years after installation: 280.45(a) = \$70

☐ YES

☐ N/A

☐ NO

Have repaired USTs/piping been tightness tested within 30 days of repairs?

Failure to ensure that repaired tank systems are tightness tested within 30 days: 280.33(d) = \$420

☐ YES

☐ N/A

☐ NO

Comments:

RD records for tanks only. Need to conduct functionality test of all RD equipment. No records of RD performance claims.

## VIII. SPILL AND OVERFILL PROTECTION

Does the facility have spill prevention and is it functioning properly?

Failure to use spill prevention for new system 280.20(c) or existing system 280.21(d) = \$420

☒ YES

☐ NO

Is overfill prevention device present and operational?

Failure to install adequate overfill prevention equipment in a new tank: 280.20(c)(1)(ii) = \$210

☐ Flapper

☐ Ball Float

☐ Audible Alarm

Comments:

## IX - A. TEMPORARY CLOSURE

Is there 1" or less product in each tank? (if not empty, leak detection is required)

Failure to comply with temporary closure requirements for system for 3 or more months: 280.70(b) = \$420

☒ YES

☐ NO

Are vent lines left open and functional; are all other lines, pumps, man ways, and ancillary equipment capped?

Failure to comply with temporary closure requirements for system for 3 or more months: 280.70(b) = \$420

☒ YES

☐ NO

Has corrosion protection been maintained? (for new or upgraded tanks)

Failure to continue operation and maintenance of corrosion protection system: 280.70(a) = \$210

☒ YES

☐ NO

Has release detection been maintained? (required if tanks have more than 1" fuel)

Failure to continue operation and maintenance of release detection method: 280.70(a) = \$420

*N/A*

☐ YES

☐ NO

Is the UST system upgraded if the facility has been 'Temporarily' closed for more than 12 months?

Failure to permanently close or upgrade a temporarily closed tank system after 12 months: 280.71(c) = \$420

☐ YES

☐ NO

Comments:

*Fuel has been pumped out*

## IX - B. PERMANENT CLOSURE

Has a notification form for closure or change of service been submitted?

Failure to notify implementing agency of a closure or change-in-service: 280.71(a) = \$420

☐ YES

☐ NO

Has the tank been removed from the ground or filled with an inert solid for tank closure?

Failure to remove closed tank from the ground or fill tank with an inert solid for tank closure: 280.71(b) = \$420

☐ YES

☐ NO

Comments:

WMA? - 014

**X. FINANCIAL RESPONSIBILITY (FR)****Does facility have required pollution prevention insurance?**

Failure to comply with FR requirements by the required phase-in-time: 280.93(a) = \$210

☐ YES☐ NO

Comments: Operator stated that FR was current, but no record on site. Will need to receive a copy for file.

**XI. SIGNIFICANT OPERATION COMPLIANCE (SOC)****Is facility in SOC with release prevention (RP) requirements?**

(To determine SOC status, review section VIII and section XII only.)

All applicable entries must be answered YES to be in SOC.

☐ YES☐ NO**Is facility in SOC with release detection (RD) requirements?**

(review section IV, V, and VI of the general checklist AND appropriate specific RD method checklist (GM, IM, IC, MG).)

All applicable entries must be answered YES to be in SOC.

☐ YES☐ NO

Comments:

**XII. CATHODIC PROTECTION (Tank and Piping)****Is the UST system utilizing CP, if required?**

Installation of an improperly designed and constructed metal tanks that fails to meet corrosion protection standards: 280.20(a)(2) = \$420

Failure to provide any cathodic protection to metal piping: 280.20(b)(2) = \$420

Failure to perform replacement upgrade, or closure for existing substandard tank system: 280.21(a) = \$1300

(All penalties may be multiplied by the number of tanks and/or piping runs in violation.)

☐ YES☐ N/A☒ NO**Are any metal connections (piping joints, swing joints, fittings, connections, etc.) either cathodically protected or not in contact with the soil or ground?**

Failure to install a properly designed cathodic protection system: 280.20(a)(2)(ii) = \$420

☒ YES☐ NO

What is the installation date of the Cathodic Protection System?

Comments:

**A. Impressed Current (Tank and Piping)****Does rectifiers electrical source provide power 24 hours a day, 7 days a week?**

Failure to operate and maintain corrosion protection system continuously: 280.31(a) = \$210

☐ YES☒ NO**Look at Clock in rectifier box to determine if rectifier has been turned off or without power longer than 60 DAYS.** (If clock has been turned off, the inspector can work backwards to the inspection date and calculate a reasonable estimate of what the clock hours should be)**Are VOLTAGE and AMP readings documented every 60 DAYS for the past 1 year?**

Failure to inspect impressed current system every 60 days: 280.31(c) = \$210

☐ YES☐ NO**Are tightness test records verifying tanks and piping were tightness tested within 30 DAYS of repair completion?** (not required for tank using monthly monitoring)

Failure to ensure that repaired tank system is tightness tested within 30 days of completion of repair: 280.33(d) = \$420

☐ YES☐ NO**Has appropriate monitoring been conducted within 6 MONTHS of installation?**

Failure to inspect impressed current system every 60 days: 280.31(c) = \$210

☐ YES☐ NO**Has appropriate monitoring been conducted every 3 YEARS after initial monitoring?**

Failure to ensure proper operation of cathodic protection system: 280.31(b)(1) = \$210

☐ YES☐ NO**Are records on file for last 2 monitoring results (tests required every 3 years)**

Failure to maintain records of cathodic protection inspections: 280.31(d) = \$70

☐ YES☐ NO**Does the most recent CP system test show that corrosion protection was adequate (-850 mV) and that any non-passing results were promptly investigated and corrected to achieve a passing result?**

Failure to ensure proper operation of cathodic protection system: 280.31(b) = \$210

☐ YES☐ NO

Comments:

→ 4 years shut down -  
 No 3 year  
 C.P. test conducted

380 3/18/14



WMAP - 014

**B. Galvanic Protection - ANODES (tank only)****Has the CP system been tested within the last 3 YEARS?**

Failure to ensure proper operation of cathodic protection system: 280.31(b)(1) = \$210

☐ YES☐ NO**Does the most recent CP system test show that corrosion protection was adequate (-850 mV) and that any non-passing results were promptly investigated and corrected to achieve a passing result?**

Failure to ensure proper operation of cathodic protection system: 280.31(b) = \$210

☐ YES☐ NO**Are tightness test records verifying tanks and piping were tightness tested within 30 DAYS of repair completion?** (not required for tank using monthly monitoring)

Failure to ensure that repaired tank system is tightness tested within 30 days of completion of repair: 280.33(d) = \$420

☐ YES☐ NO**Has testing been conducted within 6 MONTHS of any repair to CP system?**

(must be completed by a corrosion expert)

☐ YES☐ NO

Failure to test cathodic protection system within 6 months of repair of an UST system: 280.33(e) = \$210

Comments:

**C. Internal Lining (tank only)****Verify that the Internal Lining was re-inspected within 10 YEARS after installation and every 5 YEARS thereafter?**

Failure to meet interior lining inspection requirements for tank upgrade: 280.21(b)(1)(II) = \$210

☐ YES☐ NO**Did the tank pass the internal lining re-inspection, OR was ONE of the following done:**☐ Lining repaired☐ Cathodic Protection System Installed (if tanks metal thickness is  $\geq 75\%$  original thickness)☐ Tank permanently closed

g30 3/14/14

**Has the internal lining been inspected by a procedure acceptable to the jurisdiction?**☐ YES☐ NO

Comments:

**XIII. AUTOMATIC TANK GAUGING SYSTEM, if applicable**

Release detection monitoring system requirements for Probability of Detection (PD = 95%) and Probability of False Alarm (PFA = 5%) must be met. Older ATG systems may not have the 3rd party certification documenting compliance with the PD/PFA requirements. Such systems must conduct Inventory Control as part of their method implementation.

Manufacturer, Name and Model Number of system:

Veeder Root TLS-350

Duration of test:

C5LD

hr

Type of test:

.02

gph

**Are monthly monitoring and testing records available for the past 12 months?**

Failure to maintain results of monitoring for release detection for at least one year: 280.45(b) = \$70

☐ YES☐ NO**Can ATG system detect a leak of 0.2 gph or less? (note: review manufacturer's product claims)**

Failure to adequately operate or or maintain automatic tank gauging system: 280.43(d)(1) = \$210

☐ YES☐ NO**Is the 3rd party certification for the ATG system available? (must be kept for 5 years after installation)**

Failure to document all release detection performance claims for 5 years after installation: 280.45(a) = \$70

☐ YES☐ NO**Does documentation exist showing that the ATG was in test mode within its certification limits (i.e. size of tank, duration, etc.) a minimum of once a month? (review 3rd party certification and compare with actual receipts)**

Failure to maintain documentation of compliance with release detection requirements: 280.34(b)(4) = \$70

☐ YES☐ NO**Is monitoring box accessible and operational (power is on, roll of paper exists, etc.)? Was ATG in test mode within its certification limits a minimum of once a month?**

Inadequate operation and maintenance of automatic tank gauging system: 280.43(d) = \$420

☐ YES☐ NO**Was a sufficient amount of product in each tank for monthly test to be considered valid? (many tank gauges have limitations on the volume and product that must be in the tank in order to conduct the test)**

Inadequate operation and maintenance of automatic tank gauging system: 280.43(d) = \$420

☐ YES☐ NO**Is documentation available verifying method meets minimum performance standards of detecting a release of 0.20 gph with probability of detection of 95% and of false alarm of 5%?**

Failure to document all release detection performance claims of 5 years after installation: 280.45(a) = \$70

☐ YES☐ NO**Are monthly monitoring and testing records available for the past 12 months?**

Failure to maintain results of monitoring release detection for at least 1 year: 280.45(b) = \$70

☐ YES☐ NO

Comments:

**XIV. STATISTICAL INVENTORY RECONCILIATION (SIR), if applicable**Vendor/Software Name:  Leak Rate:  Threshold  MaxTank Capacity: **Criteria for reporting a suspected release:**

A single analysis indicating a leak or failed test.

Inconclusive results indicate Non-compliance with monthly leak detection requirements

**Statistical analysis performed every month?**

Failure to monitor tanks at least every 30 days: 280.41(a) = \$420

☐ YES ☐ NO**Inventory conducted according to SIR providers specifications?**☐ YES ☐ NO**Is dip stick graduate to 1/8"? Is dip stick end worn or split?**☐ YES ☐ NO**Does totalizer on dispenser show the annual calibration check (weighs and measures seal?)**☐ YES ☐ NO

**Is documentation available verifying method meets minimum performance standards of detecting a release of 0.20 gph with probability of detection of 95% and probability of false alarm of 5% (Review 3rd party certification)? Note: It must be kept for 5 years.**

☐ YES ☐ NO

Failure to document all release detection performance claims for 5 years after installation: 280.45(a) = \$70

**Are monthly monitoring and testing records available for the past 12 months?**☐ YES ☐ NO

Failure to maintain results of monitoring release detection for at least 1 year: 280.45(b) = \$70

**Are monthly monitoring analytical results returned to the owner/operator in a timely period? (i.e. 10 days or less)**☐ YES ☐ NOComments: 

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